761551N25A - SH-AD (11/90)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE: May 20, 2005

OFFICE CORRESPONDENCE FILE:

FROM: JOHNNY G. JURADO, COMMANDER
LEADERSHIP & TRAINING DIVISION

TO: MICHAEL A. FORD, CAPTAIN
SAFE STREETS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS NON-HIT SHOOTING, JUNE 3, 2004, REVIEW #2143536 (aka #2121296)**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on June 3, 2004.

The Committee met on May 17, 2005, and consisted of myself and Commanders Kenneth Brazile (Commander of the Department) and Robert Binkley (FOR III). The Committee deemed:

- as **Unfounded** the allegation that Deputy Roman Castillo #[redacted] violated the Department's Manual of Policy and Procedure section(s) 3-01/050.10, Performance to Standards, and
- as **Unfounded** the allegation that Deputy Robert Heins #[redacted] violated the Department's Manual of Policy and Procedure section(s) 3-01/050.10, Performance to Standards.

The Committee further determined that the use of deadly force in this incident was within Department policy. The Committee directed the Unit Commander to conduct a tactical debriefing of the incident with the involved deputies covering the deputies' delay in initiating a radio broadcast of their foot pursuit as well as the Committee's other concerns.

JGJ:KRK:kk

TABLE OF CONTENTS

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 06/17/04	Bureau/Station/Facility: Palmdale Station	Admin. Invest.? ☐	Hit? ☐

Incident Information

URN: 404-10339-2608-055	Date: 06/03/04 Time: 2047
City or Station: Palmdale	Nature of Incident: Deputies engage in a foot pursuit of an armed SJ. after making a traffic stop. The SJ pointed his firearm at the deputies on two separate occasions. Deputy Castillo fired five rounds missing the SJ. SJ was apprehended in a containment.
Location: [redacted] 27th Street East, Palmdale	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, **(Street)** (circled), Other: desert

Lighting (*circle only one*): Darkness, Daylight, Other, **(Street Lights)** (circled)

Weather (*circle only one*): **(Clear)** (circled), Cloudy, Fog, Rain

Distance: 50- 60 feet

Incident Type (*circle one or more*): Accidental, **(Armed Person)** (circled), Fleeing Suspect, **(Foot Pursuit)** (circled), Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, **(Traffic Stop)** (circled), Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Other: ____

Initiated by (*circle only one*): Arrest Warrant, Call, **(Observation)** (circled), One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, **(Routine Patrol)** (circled)

Total # of Shots Fired by Deputy: 5

Total # of Shots Fired by Suspect: 0

Aero Unit? ☐ Canine Unit? ☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	Heins	Robert		EM **(PM)** Day	**(Regular)** Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name [redacted]		First Name [redacted]		M.I. [redacted]	
Street Addr[redacted]	City [redacted]	Zip [redacted]	Work Ph [redacted]	Home Ph [redacted]	
Last Name [redacted]		First Name [redacted]		M.I. [redacted]	
Street Addr[redacted]	City [redacted]	Zip [redacted]	Work Ph [redacted]	[redacted]	
Last Name [redacted]		First Name [redacted]		M.I. [redacted]	
Street Addr[redacted]	City [redacted]	Zip Code [redacted]	Work Ph [redacted]	Home Ph [redacted]	

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)	
[redacted]	Ross	Daniel	B	**(On Duty)** Present during shooting	Witness to shooting Involved in shooting
[redacted]	Carter	Quitman	V	**(On Duty)** Present during shooting	Witness to shooting Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Tucker	Marion	L.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Becker	Paul	

PSTD Use Only

SH # 2121296

SH-R-438A rev. 3/97

See Reverse

Officer Involved Shooting

URN: 404-10339-2608-055

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
06/03/04	2245		

Employee #	Last Name	First Name	M.I
[redacted]	KEY	GREGORY	L
[redacted]	MORRIS	BRIAN	W
[redacted]	JENNINGS	RICKEY	D

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
E#1	S#1	FH	BR	9	Y	Y	NN	
S#1	E#1	FH	ZZ	38			NN	

See Front Side

Officer Involved Shooting 
Involved Employee Information

URN: 404-10339-2608-055

Involved Employee

E 1

Employee # [redacted]	Last Name Castillo	First Name Roman	M.I. L
Sex: M Race: H	Rank DEPUTY	Unit Assignment: SSB/ G.E.T.	Work Assignment (Unit #, Module, etc.): G.E.T. UNIT W526A
ShiftTime (*circle only one*): EM (PM) Day	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☒
Hrs of sleep prior to shooting: 6 hours	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest)	Other Factors:
Age: [redacted]	Height: 509	Weight: 210	
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp #	Last Name	First Name	M.I.

E __

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age:	Height:	Weight:	
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E __

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age:	Height:	Weight:	
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting Suspect Information

URN: 404-10339-2608-055

Suspect Information

S 1

Last Name [redacted]	First Name [redacted]	M.I.	
AKA Last Name [redacted]	First Name	M.I.	
Sex: M Race: H	Street Address: [redacted]	City [redacted]	State & Zip [redacted]
Work Phone [redacted]	Home Phone: [redacted]	Social Security #:	Driver's Licen[redacted]
Age: 16 D.O.B. [redacted]	Height: [redacted] Weight: [redacted]	FBI #	CII #
Booking # 8150 139	Primary Charge: 245(d)(1) PC	Secondary Charge: 12025(b)(3) PC	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make Chevrolet		Model: Blazer	Year:

S__

Last Name	First Name	M.I.	
AKA Last Name	First Name	M.I.	
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name	First Name	M.I.	
AKA Last Name	First Name	M.I.	
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name	First Name	M.I.	
AKA Last Name	First Name	M.I.	
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

See Other Side

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		
[redacted]	[redacted]		[redacted]	[redacted]		
[redacted]	[redacted]		[redacted]	[redacted]		
[redacted]	[redacted]		[redacted]	[redacted]		
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		

INVESTIGATIVE NARRATIVE
NON - HIT SHOOTING
SH 2121296
404–10339-2608-055

DATE:	June 03, 2004 (Thursday)
TIME:	2047 hours
LOCATION:	27th Street East and Avenue R-6, Palmdale

This incident involves an officer-involved non - hit shooting, which occurred at 27th Street East and Avenue R-6, in Palmdale. The following personnel responded: FOR I Commander Donald A. Rodriguez; Internal Affairs Bureau Lieutenant Rick Jennings, Sergeant Gregory Key and Sergeant Brian Morris; Office of Independent Review, Attorney Ben Jones; Force Training personnel.

SUMMARY

On Thursday, June 03, 2004, Deputies Roman Castillo and Robert Heins, assigned to the Palmdale Gang Enforcement Team (G.E.T.), were working unit W526A, in the city of Palmdale. Deputy Castillo was the driver and Deputy Heins was the passenger. While on routine patrol, both deputies observed a Green Chevrolet four-door Blazer containing four occupants. Castillo was driving north on 27th Street East, and was stopped at the intersection of 27th Street East and Avenue R-6, an intersection controlled by stop signs. The driver of the Blazer was traveling east on Avenue R-6. As Deputy Castillo made a left turn, and traveled west onto Avenue R-6, both he and Heins observed the driver and front passenger not wearing seat belts. Castillo asked the driver to pull over. The driver made a right turn and pulled over to the curb, parking the Blazer at the west curb line of 27th Street East, just south of Avenue R-6. Castillo made a U-turn, pulling directly behind the suspect vehicle. As soon as Heins opened the radio car's right front passenger's door, the suspect vehicle's left side rear seat passenger's door opened. The rear seat passenger (later identified as Witness [redacted] MH/16) exited the Chevrolet Blazer, dropping a large revolver wrapped in a blue bandana onto the street. [redacted] picked up the revolver and began running away from the deputies. Heins yelled 417 (code for man with a gun). Both deputies yelled for [redacted] to stop but he did not.

> **IAB NOTE: [redacted] is listed as a subject in the Assault with a Deadly Weapon on a Police Officer crime report. However in this Shooting Review he will be referred to as a witness to the officer involved shooting.**

Deputy Castillo and Heins approached the suspect vehicle from their perspective sides and ordered the occupants to raise their hands. The remaining occupants of the vehicle cooperated, raising their hands as ordered. The deputies looked inside the suspect vehicle, and after not observing any weapons, initiated a foot pursuit of the armed fleeing subject (Witness [redacted] During the foot pursuit, [redacted] turned toward Castillo and pointed the revolver at him. Castillo fired two rounds at [redacted] missing him.

Witness [redacted] continued running south on 27th Street East. 27th Street East dead ends into the desert. As [redacted] reached the end of the street, he turned west and ran parallel to a fence and into the desert. As Deputy Castillo reached the fence, he could see [redacted] running. While running, [redacted] turned toward Castillo and pointed a revolver at him. Castillo fearing for his safety, fired three rounds, missing [redacted] Because of the hazards of chasing the subject into the desert (darkness, fleeing armed subject), the deputies did not pursue him any further. Castillo and Heins set up a containment via their hand-held radios. [redacted] was apprehended a short time later without incident.

While the deputies were engaged in the foot pursuit, the suspects in the vehicle made a U-turn and drove away.

INVOLVED EMPLOYEES STATEMENTS:

DEPUTY CASTILLO

On June 03, 2004, Internal Affairs Bureau Sergeant Key and Morris interviewed Deputy Castillo, at Palmdale station. The interview was tape recorded. The following is a synopsis of that interview:

Deputy Castillo stated that he and his partner, Robert Heins are assigned to the Palmdale Gang Enforcement Team (G.E.T.). On Thursday, June 03, 2004, they were working P.M. shift as Unit W526A, in the city of Palmdale. Deputy Castillo was the driver and Deputy Heins was the passenger. While on routine patrol, both deputies observed a Green Chevrolet four-door Blazer containing four occupants. Castillo was driving north on 27th Street East, and was stopped at the intersection of 27th Street and Avenue R-6, an intersection controlled by stop signs. The driver of the Blazer was traveling east on Avenue R-6. As Deputy Castillo made a left turn, and traveled west onto Avenue R-6, both he and Heins observed the driver and front passenger not wearing seat belts. Castillo asked the driver to pull over. The driver made a right turn and pulled over to the curb, parking the Blazer at the west curb line of 27th Street East, just south of Avenue R-6. Castillo made a U-turn, pulling directly behind the suspect vehicle.

Deputy Castillo said that as soon as he and Deputy Heins opened their patrol vehicle's doors, the suspect vehicle's left side rear seat passenger's door opened. The rear seat passenger (later identified a Witness [redacted] MH/16) jumped out of the vehicle and appeared to be fumbling with something. Castillo then saw [redacted] drop a gun onto the street. Castillo heard his partner Deputy Hines say, "417 gun, he has a gun" (417 is code for man with a gun). [redacted] picked up the gun, placed it in his waistband area, and began to run south on 27th Street East.

As Witness [redacted] ran, both deputies simultaneously approached the vehicle (Chevrolet Blazer) and began yelling "get your hands up, get your hands up, let me see your hands, let me see your hands." The remaining three occupants cooperated, placing their hands upward. Both deputies turned their attention to the armed fleeing juvenile (Witness [redacted] Deputies Castillo and Hines made a decision to pursue [redacted] Castillo stated that the reason he chose to chase the fleeing juvenile is that the three occupants were being cooperative, not making furtive movements, and were completely still. Castillo also stated that earlier that evening (approximately five to seven minutes) they performed a traffic stop on the same street. At that time he noticed several people outside. He

recalled seeing citizens on the west side of the street standing, on the grass, talking. He also remembered seeing a house on the east side of the street with an open garage door. Inside of the garage was a woman and children playing. The fleeing juvenile (Witness [redacted] was running in the direction of both these locations. Fearing [redacted] would shoot someone or take a hostage, Castillo and Hines made a split second decision to pursue him.

As the deputies pursued Witness [redacted] Deputy Castillo saw him fumbling around with his waistband, and looking back at them. The deputies continued chasing the subject. Deputies Castillo and Hines both yelled at [redacted] Castillo stated that he was yelling for [redacted] to stop. He is unsure what Hines was yelling.

Deputy Castillo saw a van parked in the driveway of a residence, on the westside of the street, He knew from being on the street earlier, that there were people on the other side of that van. Witness [redacted] continued running in the street. As he got within a few houses from the end of the street, he turned around, ran backward, and with a sweeping motion pointed a gun at the deputies. Deputy Castillo described the gun as huge and thought Witness [redacted] was going to shoot either him, his partner, or some citizens. Castillo fired two rounds at the subject.

> **IAB NOTE: Deputy Castillo stated that he was approximately twenty yards away from Witness [redacted] the first time he shot at him. (Exhibit B - Detective Marbach's supplementary report.)**

Witness [redacted] continued running south on 27th Street East. He turned west, running up an embankment that turned into a dirt field. As [redacted] ran up the embankment, he stumbled, but continued running for approximately twenty yards. [redacted] then turned to his right and with his left hand pointed the handgun at Deputy Castillo. Fearing that [redacted] was going to shoot at him, Castillo fired two or three more rounds. Castillo was east of [redacted] when he fired into the desert. [redacted] disappeared into the desert. Castillo stated that because it was dark and he could no longer see [redacted] and did not know his whereabouts, he did not pursue [redacted] nor did he continue further into the desert.

> **IAB NOTE: Deputy Castillo stated that he was approximately twenty yards away from Witness [redacted] the second time he shot at him. (Exhibit B - Detective Marbach's supplementary report.)**

Deputy Castillo said that Heins used his hand-held radio to broadcast the officer involved shooting. Castillo used his hand-held radio to advise that Witness [redacted] was armed and had pointed a handgun at him. A containment was established and [redacted] was apprehended without further incident.

During the foot pursuit, the driver of the suspect vehicle made a U-turn and drove away.

Deputy Castillo stated that he and Deputy Heins have been partners for approximately four years. During that time they talked and formulated a plan on what actions they would take if involved in foot pursuits. They agreed to stay together, stating, "where one goes, the other goes." He further stated that they did not verbally tell each other during the incident to chase [redacted] but acted in unison. After the incident they talked to each other and agreed that they would not have chased [redacted] if he had been unarmed. The decision to pursue was out of concern for the citizens in the path of an armed fleeing subject (Witness [redacted]

Deputy Castillo did not write a supplementary report.

DEPUTY HEINS

On June 03, 2004, Internal Affairs Bureau Sergeant Key and Morris interviewed Deputy Hines at Palmdale Station. The interview was tape recorded.

Deputy Heins stated substantially the same as Deputy Castillo. Heins added that within seconds of pulling the suspect vehicle over, the suspect vehicle's left rear door opened. Heins immediately exited the patrol vehicle. Witness [redacted] exited the suspect vehicle, dropping the gun onto the street. Hines was able to clearly view the weapon and yelled, "415" (code for man with a gun).

Deputy Heins said that he and Deputy Castillo detained the occupants in the vehicle, as Witness [redacted] ran south on 27th Street East. Heins stated that he saw citizens standing on the sidewalk, directly in [redacted] path. Not feeling threatened by the cooperative occupants of the vehicle, and believing [redacted] might take a citizen as a hostage, Heins and Castillo decided to pursue [redacted]

Deputy Heins said that he chased Witness [redacted] and continuously yelled for him to stop. He even tried to trick him by yelling I'm going to shoot you in the back. [redacted] continued running south on the sidewalk, refusing to stop. As Heins chased [redacted] he illuminated him with his flashlight. Heins ran south, on the west sidewalk, while Deputy Castillo ran in the street at his side. Heins observed [redacted] turn toward them and lift up his gun. He then observed Castillo fire two rounds. When Castillo fired the first two rounds, there were citizens on the street. However, these citizens were behind him and were standing next to a van which was parked in the driveway of a residence on the west side of the street. Hines stated that he was running on the sidewalk and did not fire because he did not want to endanger any citizens.

Witness [redacted] continued running south, down the sidewalk to the end of the street. [redacted] then turned west and ran into the desert. Deputy Castillo, who was now in front of Deputy Heins, yelled "no, no, don't," and fired his weapon two to three more times.

Deputy Heins estimated that [redacted] was never more than fifty feet in front of them during the foot pursuit. Heins did not write a supplementary report.

DEPUTY GILLIS

On June 03, 2004, Deputy Gillis wrote an Assault with a Deadly Weapon on a Peace Officer crime report, #404-10339-2608-055. **(Exhibit A)** The following is a synopsis of that report:

Deputy Gillis is assigned to Operation Safe Street and works at Palmdale station as unit # W526, with his partner Deputy Reyes. On June 03, 2004, they responded to the area of 27th Street East and Avenue R-6 regarding a Deputy involved shooting, that had just occurred. They drove to 25th Street East and Avenue R-6 where Detective Minster was detaining Witness [redacted] They then drove to Deputy Castillo's location and transported him to where Minster was detaining [redacted] Castillo positively identified [redacted] as the person he chased and shot at.

Deputy Gillis and Reyes recognized Witness [redacted] as a person they had previously arrested for possession of a loaded firearm. [redacted] is a known "Brown Pride Sureno" street gang member, who goes by the moniker of [redacted] Deputy Gillis visually checked [redacted] and observed that [redacted] clothing was disheveled and covered in dirt.

IAB NOTE: For further on [redacted] criminal history see Exhibit G.

Deputy Minster told Deputy Gillis that he (Deputy Minster) advised Witness [redacted] of his Miranda rights and that [redacted] had waived his rights. [redacted] was very cooperative and agreed to show Deputy Gillis and Reyes where he tossed the gun. Unit 260S (Sergeant Daniel Ross, #[redacted] accompanied them as [redacted] showed them where he hid the weapon. The blue steel revolver was found laying in a small shrub in the field (desert). The revolver was located approximately 50 feet west of the rear of [redacted] and appeared to be loaded (rounds observed in the cylinder).

Deputy Baker responded to the location of the recovered handgun and guarded it pending the arrival of Sheriff's Crime lab personnel.

IAB NOTE: For further on the weapon and the location of its recovery, see Exhibit D (the crime lab reports) and Exhibit E (Crime lab photographs).

Witness [redacted] told Deputy Gillis and Reyes that the gun was a "38" (referring to its caliber). [redacted] said that he got the gun from his "homie" last Saturday (May 29, 2004). [redacted] stated that he carries a gun for protection because rival street gang "13 Kings" are after him. [redacted] further stated that the deputy shot at him, but that he did not shoot back. He was not struck by any bullets, nor was he injured.

DETECTIVE MINSTER

On June 03, 2004, Detective Minster wrote a supplemental report (**EXHIBIT B - Detective Minster supplemental report**). The following is a synopsis of that report:

Deputy Minster is assigned to Palmdale station as a detective. On June 03, 2004, he responded to 25th Street East and Avenue R- 8 regarding a deputy involved shooting, armed suspect running from deputies call. Detective Minster stopped on 25th Street east at approximately Avenue R-6, on the eastside of the street. As he illuminated the desert with his vehicle's headlights and spot light, he saw Witness [redacted] stand-up from behind a large bush. The bush was approximately 40-50 feet away. Detective Minster held [redacted] at gun point and requested assisting units respond. [redacted] was taken into custody without incident.

Detective Minster Advised Witness [redacted] of his Miranda rights, which he understood and waived. [redacted] told Minster that he is on [redacted] He was in a vehicle with his friends when the deputies pulled them over. [redacted] was afraid because he was in possession of a loaded gun, so he exited the vehicle and ran. He dropped the gun as he was running and had to stop to pick it up. After picking up the gun, he continued running until he ran into the desert, dropping the gun by a wall.

Deputy Gillis then removed Witness [redacted] from Detective Minster's vehicle and placed him in his (Deputy Gillis' vehicle). Minster told Gillis that he advised [redacted] of his Miranda rights.

DETECTIVE MARK MARBACH

Detective Marbach is assigned to O.S.S. and works at Palmdale Station. On June 03, 2004, he responded to [redacted] to assist in the investigation of an officer involved shooting. He documented his actions in a supplemental report **(EXHIBIT B).** Marbach also interviewed and photographed Witness [redacted] The interview was tape recorded. The photographs are documented as **Exhibit F**. The following is a synopsis of Detective Marbach's report:

Detective Marbach interviewed [redacted] who resides at [redacted] Witness [redacted] stated that he was standing on the sidewalk in front of [redacted] watching deputies conduct a traffic stop on 27th Street, which was north of his location. [redacted] saw a male Hispanic run south on 27th Street toward him. The male Hispanic was being pursued on foot, by two deputies. [redacted] heard the deputies yell "stop," but stated the male Hispanic continued running. The male Hispanic passed within ten feet of [redacted] did not notice if the male Hispanic had a gun in his hand. When the deputies passed [redacted] he heard and saw "the bald one" (Deputy Castillo) fire, two or three rounds from his gun.

Witness [redacted] then pointed out where he saw Deputy Castillo fire his gun. [redacted] stated that Castillo was on the west side of the street, about twenty-five yards south of him, just south of a white Plymouth Neon, which was parked on the westside of the street, when he fired his first rounds.

Witness [redacted] said that the male Hispanic and the deputies continued running south on 27th Street. He saw the male Hispanic turn right (west) and run into the desert. Deputy Castillo (described by Witness [redacted] as the bald one) fired two or three more rounds in the direction of the male Hispanic. [redacted] did not notice whether the male Hispanic turned and pointed a gun at the deputies.

Detective Marbach interviewed [redacted] who resides with Witness [redacted] at [redacted] Witness [redacted] stated that she was sitting on the front porch, in a swing, at [redacted] when she heard Witness [redacted] say deputies were chasing someone. She walked over to the sidewalk in front of the residence to see what was going on. She observed a male with dark clothes and a bald head run by with two deputies following him. [redacted] did not notice if the male Hispanic was carrying a gun, neither did she hear anyone yelling. After the male Hispanic and the two deputies passed by, she heard two gun shots. She saw one of the deputies fire his gun but did not know which one. The male Hispanic kept running. She then heard two more gun shots. After the second set of shots, [redacted] saw the deputies walking back to their patrol vehicle, north on 27th Street East.

Detective Marbach checked the lighting conditions around the area of [redacted] (the location of Witnesses [redacted] and [redacted] He observed the area in front of [redacted] did not have exterior residential lighting, nor did it have a street light. The closest street light was on the opposite side of the street north of the location.

Detective Marbach went to Lancaster Station to interview Witness [redacted] The interview was tape recorded. [redacted] admitted to running from the deputies and possessing a loaded firearm. [redacted] stated that as he ran from the deputies, he held the gun in his left hand. While running from the deputies, he turned toward them twice to look at them. Each time he turned toward the deputies, they shot at him. The first time [redacted] turned toward the deputies, he was running from them and turned toward his left to see them. The deputies then shot at him. He continued running into the desert. As he ran into the desert, he ran adjacent to a wall. He turned toward his right to look at the deputies. The deputies again shot at him. [redacted] stated that he did not shoot at the deputies, but could see how the deputies thought he was pointing the gun at them. **(For further on Witness [redacted] interview see Exhibit B - Detective Marbach's supplemental report)**

DEPUTY ERNESTO DE ARMAS

Deputy De Armas is assigned to Safe Streets Bureau as a detective. On June 03, 2004, he contacted and interviewed [redacted] MH [redacted] The facts of that interview are documented in a supplemental report prepared by Detective De Armas (**EXHIBIT B - Deputy De Armas supplemental report)**. The following is a summary of that report:

Witness [redacted] stated that prior to the incident, he was seated in the rear seat of the Chevrolet Blazer, next to his [redacted] Witness [redacted] was seated behind the driver. Just moments before their encounter with Deputies Castillo and Heins, [redacted] and [redacted] were picked up at his home.

They traveled east on Avenue R-6 at 27th Street East when they were questioned by the deputies. The deputies were traveling west on R-6. The deputies asked them where they lived, then told them to pull over because they wanted to talk to them. [redacted] stated they drove south on 27th Street East and stopped the vehicle just south of Avenue R-6. As the vehicle came to a stop, he heard Witness [redacted] say "ah shit." [redacted] opened the rear driver's side passengers' door and exited the vehicle,

dropping a handgun as he exited. [redacted] bent down, picked up the handgun and ran south on Avenue 27th Street East. The deputies then pursued him.

The suspect driver made a U-turn and drove east on Avenue R-6. Witness [redacted] told the driver to let him out of the vehicle. They drove to the intersection of 30th Street East and Avenue R-6, where [redacted] exited the vehicle. [redacted] walked west through a school and back to his house on Avenue R-3. He hid in the bushes in front of his house as he watched deputies search the area. [redacted] said that he hid because he was afraid he would be taken to jail due to Witness [redacted] having a handgun.

Witness [redacted] could not or would not provide information on the other occupants of the vehicle. He reiterated that he and Witness [redacted] were picked up at his house and that he did not know the occupants of the vehicle.

DEPUTY MICHAEL CULVER

Deputy Culver is assigned to the Lancaster G.E.T. On June 03, 2004, he responded to the 37600 block of 27th Street East, to interview residents regarding an officer involved shooting. The results of his interviews are contained in a supplemental report **(EXHIBIT C - Deputy Culver's supplemental report)**. The following is a synopsis of that report:

[redacted] who resides at [redacted] stated that she was not home during the incident.

[redacted] who resides at [redacted] stated that she did not see anything, but heard someone yell "stop, turn around." She then heard approximately five to ten shots.

[redacted] resides at [redacted] stated she did not hear anything.

[redacted] resides at [redacted] stated he heard three gunshots, nothing else.

[redacted] resides at [redacted] stated she did not hear anything.

[redacted] and [redacted] resides at [redacted] stated they heard gunshots. [redacted] said that she heard two gunshots, while her [redacted] said she heard seven gunshots.

DEPUTY MORGAN

Deputy Morgan is assigned to the Lancaster Gang Enforcement Team and works unit W511A with his partner Deputy Phelton. On June 03, 2004, they canvassed the neighborhood of the 37600 block of 27th Street East for witnesses. The results of their interviews are contained in a supplemental report **(Deputy Morgan's supplementary report - Exhibit C)**. The following is a synopsis of that report:

Deputy Morgan and Phelton interviewed [redacted] who resides at [redacted] Witness [redacted] stated that she heard two gunshots north of her residence. She did not hear or see anything else.

Deputy Morgan stated that no other residents on the east side of the street saw or heard anything else. The two following residences did not answer the door and did not appear to be home. [redacted] and [redacted]

The following people were contacted, but did not see or hear anything

[redacted]

Deputy Mulder booked the blue bandana into evidence **(See Deputy Mulder's supplementary report - Exhibit C).** Deputy Costleen guarded the subject's handgun until Sheriff's Crime Lab Specialist Brandelli took possession of it. **(Deputy Costleen's supplementary report - Exhibit C)**

<u>WITNESS STATEMENTS</u>

WITNESS [redacted]

On August 13, 2004, Internal Affair's Bureau Sergeant Key interviewed Witness [redacted] at Barry Jay Juvenile Hall. [redacted] was advised that this was an administrative interview and not a criminal interview. He was further advised that he did not have to answer any questions he was uncomfortable answering. The interview was tape recorded. The following is a summation of that interview:

Witness [redacted] stated that on June 03, 2004, he and three other persons were passengers in the suspect vehicle. [redacted] said that he was seated on the driver's side rear when they were stopped by deputies. When the vehicle stopped, he jumped out of the vehicle and the gun fell out of his pocket and onto the street. The gun was wrapped in a blue bandana. [redacted] picked the gun up and ran. Both Deputies chased him.

Witness [redacted] stated that although he is right-handed, he carried the gun by its barrel, and held it in his left hand as he ran. He heard one of the deputies say "shoot him." While running at full speed, he looked over his right shoulder, never fully turning his body. He stated the reason he looked back was to see where the deputies were. The deputies then shot at him. He denied pointing his gun at the deputies or in their direction. He also denied turning around and running backwards. He stated that when he turned and looked behind him, the gun continued facing in a forward direction. His body only turned slightly, not all the way around.

Witness [redacted] stated that he tripped and stumbled as he ran along the side of a gate and then into the desert. As he tripped, he turned and laid on the wall. The deputy then shot at him. He tossed the

gun and continued running into the desert. He stated that even when he fell he did not turn toward the deputy.

After being arrested, Witness [redacted] took the deputies into the desert and showed them where he hid the gun. He stated that he felt the deputies shot at him because he was running with the gun in his hand.

WITNESS [redacted]

On August 12, 2004, Internal Affairs Bureau Sergeant Key telephoned Witness [redacted] The interview was tape recorded. The following is a summation of that interview:

Witness [redacted] stated that on the day of the incident she saw a police car drive down her street. Shortly thereafter, she saw deputies running south down the street with their guns drawn. The deputies were by a driveway across the street from her. She did not see whom they were chasing, nor does she recall what the officers were saying. She heard two or three gun shots. She believes they fired at least once into the desert.

WITNESS [redacted]

On September 01, 2004, Internal Affairs Bureau Sergeant Key telephoned Witness [redacted] The interview was tape recorded. The following is the synopsis of the interview:

Witness [redacted] stated that on the day of the incident she was at the home of her [redacted] The residence is on the west side of the street. Present with her was [redacted] and [redacted]

At the time of the incident, Witness [redacted] was on the front porch sitting on a swing. Witness [redacted] told her that the police had stopped someone. She walked over to the sidewalk to see whom the police had stopped, and as she did so, Witness [redacted] ran by her. [redacted] told her to go into the house because the deputies were chasing someone. She turned around to see the deputies run by her. She said that when she turned around again she saw one of the deputies remove his weapon and fire twice at [redacted]

Witness [redacted] did not see Witness [redacted] with any weapons. She stated that [redacted] ran with his hands around his chest. She also stated that she neither saw the suspect turn toward the deputies, nor did she hear the deputies say anything to him.

WITNESS [redacted]

On September 02, 2004, Internal Affairs Bureau Sergeant Key telephoned Witness [redacted] The interview was tape recorded. The following is a summation of that interview:

Witness [redacted] stated that she lives on the [redacted] of the street [redacted] On the day of the incident she was at home with her [redacted] looking for their frog.

It was late in the evening, but still light outside. She was standing between the sidewalk and the street when a young male Hispanic jogged by her, running south. Shortly thereafter, two deputies ran by. The deputies continued running, and when they were approximately two houses south of her, she heard one Deputy say "shall we shoot him." She then heard two shots.

Witness [redacted] stated that all together she heard three for four shots but could not say if one or both deputies fired their weapon. She stated that she never noticed anything in the young male Hispanic's hand. She just thought he was jogging.

Witness [redacted] stated that at the time of the incident her [redacted] her [redacted] and [redacted] was present. She also stated that a neighbor across the street was in the garage at the time of the incident. She did not know the neighbor's name, because she (the neighbor) had just recently moved in.

WITNESS [redacted]
On September 02, 2004, Internal Affairs Bureau Sergeant Key telephoned Witness [redacted] The interview was tape recorded. The following is a summation of that interview:

Witness [redacted] stated that at the time of the incident, she was at her [redacted] house. Present with her was her [redacted] and his [redacted] They were outside when [redacted] told her to get the [redacted] She then observed a young male Hispanic, in his late teens, outside jogging. The male Hispanic said something like "What's Up," to [redacted] and continued running south. She saw two deputies run down the street when she heard one deputy say, "should I shoot him."

She stated that she did not see the male Hispanic jogger with a weapon. I asked her if she was sure the deputy's exact words were "shall we shoot him" she said yes, because the deputies were right in front of them when they said it. She then went inside with her [redacted] She stated that during the incident she was in and out of the house, as her [redacted] kept trying to come outside.

I read her statement from a supplemental report written by Deputy Zarris. In that report Witness [redacted] stated that she heard yelling, but could not understand what was being said. She saw the traffic stop, but did not see anyone running and did not hear any shots. She denied making such statements.

WITNESS [redacted]
On September 02, 2004, Internal Affairs Bureau Sergeant Key telephoned Witness [redacted] The interview was tape recorded. The following is a summation of that interview:

Witness [redacted] stated that at the time of the incident, he was at his [redacted] house. Present with him was his [redacted]

I read Witness [redacted] a supplemental report prepared by Deputy Zarris. Witness [redacted] stated that the supplemental report was accurate, except that the fleeing suspect did not have a gun. He said that the suspect ran within two feet of him. The suspect continued running while the deputy shot at him. He also stated that the suspect 's back was to the deputy when the deputy fired. The suspect never turned around and pointed a gun at the deputies. He watched the entire incident with nothing obstructing his view. He added that he heard one deputy ask the other deputy, if it was okay to shoot him.

WITNESS [redacted]

On September 02, 2004, Internal Affairs Bureau Sergeant Key telephoned Witness [redacted] The interview was tape recorded. The following is a summation of that interview:

Witness [redacted] stated that she resides at [redacted] She lives on the [redacted] side of the street. At the time of the incident she and her [redacted] Witness [redacted] were sitting inside her garage, with the garage door open. Witness [redacted] said that at about 08:45 P.M. hours, she saw someone running southbound, across the street. She heard someone shouting and then saw two deputies chasing the suspect. During the shouting, she could not tell what was being said. She saw the deputies pulled their weapons and heard gunshots. Witness [redacted] did not see who shot. The deputies followed the suspect into the desert. She then heard a couple of more gunshots. Witness [redacted] said that she does not know how far the deputies went into the desert, because of the trees obstructing her view. She saw the deputies come out of the desert, one of them limping. One deputy walked north while the other stayed south, by the desert. She then watched the deputies tape off the area.

WITNESS [redacted]

On September 02, 2004, Internal Affairs Bureau Sergeant Key telephoned Witness [redacted] The interview was tape recorded. The following is a summation of that interview:

Witness [redacted] stated that he resides at [redacted] with his [redacted] Witness [redacted] Their home is on the east side of the street. Witness [redacted] stated that at the time of the incident he was sitting in his living room when he heard two bangs. He thought someone was igniting fireworks early. He said the first bang sounded low while the second one sounded loud. He thought the sounds were coming form the rear of his home. He further stated that he neither heard any other sounds nor did he hear anyone say anything.

WITNESS [redacted]

On September 02, 2004, Internal Affairs Bureau Sergeant Key spoke to Witness [redacted] by telephone. The interview was tape recorded. The following is a summation of that interview:

Witness [redacted] stated that she remembered being questioned on the night of the incident, but could not immediately recall what happened. She did say that she was in her bedroom, which is toward the rear of her home. She recalls hearing two shots and recalls it being dark outside. She had nothing further to add.

INJURIES:

Deputy Hines aggravated and old injury to his right knee while chasing Subject [redacted] Neither Deputy Castillo nor Subject [redacted] was injured during the incident.

PHYSICAL EVIDENCE:

LASD Scientific Services Forensic Identification Specialist Donna Brandelli photographed the incident scene. Additionally, photographs of the recovered weapon, expended shell casings, and a street sign were taken. **(For further on the evidence, see Exhibit D (Crime lab reports) and Exhibit E (Crime lab photographs)**.

INVESTIGATOR OBSERVATIONS:

I observed Deputy Castillo and Heins' radio car parked just south of Avenue R-6, next to the west curb line of 27th Street East, facing south.

There were two expended shell casings (Luger 9mm) laying in the street, approximately three feet east of the west curb line, of [redacted] Three other shell casings (9mm Luger) were laying in the desert, just south of [redacted] adjacent to a wooden fence.

I observed what appeared to be a dent or nipple in a yellow rectangular street sign, which reads "Pavement Ends." The street sign is located at the end of 27th Street East. The nipple was possibly caused by a bullet fired from Deputy Castillo's gun. I also observed a blue steel handgun laying under a plant in the desert. The hand gun was approximately 50 feet west of the rear yard of [redacted] The handgun appeared loaded and was neither rusty nor dirty.

> **IAB NOTE: (For further on the firearm, see Exhibit D (Crime lab reports) and Exhibit E (Crime lab photographs)**.

WEAPONS USED BY DEPUTY PERSONNEL:

Deputy Castillo used his Department issued Beretta 9mm handgun. A check of Deputy Castillo's firearm revealed that he had one live 9mm Luger round in the chamber and ten live Luger rounds in his magazine.

WEAPON USED BY SUSPECT

Blue steel revolver, "Miroku," model 38, serial [redacted] containing six live rounds.